REMARKS

The indication of allowable subject matter in claims 9, 14, 17 and 20-30 is acknowledged and appreciated. In view of the following remarks, it is submitted that all claims are in condition for allowance.

Claims 1-8, 10-13, 15, 16, 18, 19 and 27 stand rejected under 35 U.S.C. § 102 as being anticipated by Albertsen. Claim 1 is independent. This rejection is respectfully traversed for the following reasons.

Claim 1 recites in pertinent part, "a nonvolatile memory operable to store therein test data used for testing when the testing is performed, and operation data used for an operation other than the testing when the operation is performed." Support for this feature can be found, for example, on page 47, line 17 – page 48, line 6, and page 49, lines 13+ corresponding to Figure 2, of Applicants' specification. According to one aspect of the present invention, the same memory can be used during both testing and normal operation so that a separate memory for storing test data is not necessary, thereby reducing circuit area.

In contrast, Albertsen expressly discloses two separate memories for storing a test program 6 and a normal-operation program 4 (*see* Figure 1 and corresponding disclosure at col. 3, lines 55-60). Accordingly, Albertsen relies on separate memory addresses for storing the respective programs (i.e., test and normal) at different addresses, and therefore does not reduce circuit area by *replacing* and/or *deleting* data stored on the memory depending on which operation is being performed (e.g., Albertsen does not replace normal data with test data at a given memory address, and vice versa).

As anticipation under 35 U.S.C. § 102 requires that each and every element of the claim be disclosed, either expressly or inherently (noting that "inherency may not be established by probabilities or possibilities", *Scaltech Inc. v. Retec/Tetra*, 178 F.3d 1378 (Fed. Cir. 1999)), in a single prior art reference, *Akzo N.V. v. U.S. Int'l Trade Commission*, 808 F.2d 1471 (Fed. Cir. 1986), based on the forgoing, it is submitted that Albertsen does not anticipate claim 1, nor any claim dependent thereon.

Under Federal Circuit guidelines, a dependent claim is nonobvious if the independent claim upon which it depends is allowable because all the limitations of the independent claim are contained in the dependent claims, *Hartness International Inc. v. Simplimatic Engineering Co.*, 819 F.2d at 1100, 1108 (Fed. Cir. 1987). Accordingly, as claim 1 is patentable for the reasons set forth above, it is respectfully submitted that all claims dependent thereon are also patentable. In addition, it is respectfully submitted that the dependent claims are patentable based on their own merits by adding novel and non-obvious features to the combination.

Based on the foregoing, it is respectfully submitted that all pending claims are patentable over the cited prior art. Accordingly, it is respectfully requested that the rejection under 35 U.S.C. § 102 be withdrawn.

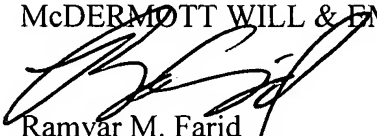
CONCLUSION

Having fully responded to all matters raised in the Office Action, Applicants submit that all claims are in condition for allowance, an indication for which is respectfully solicited. If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, the Examiner is requested to call Applicants' attorney at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP



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